

Message Text

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PAGE 01 JAKART 11525 261010Z
ACTION CPR-01

INFO OCT-01 EA-12 ISO-00 L-03 JUSE-00 OPR-02 A-01
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FM AMEMBASSY JAKARTA
TO SECSTATE WASHDC 3452

UNCLAS JAKARTA 11525

E.O. 11652: N/A
TAGS: PDIP
SUBJ: HOST COUNTRY REQUIREMENTS FOR AUTOMOBILE LIABILITY INSURANCE

REF: UNCALS STATE 189095

FOLLOWING ARE JAKARTA'S ANSWERS TO QUESTIONS RAISED IN REFTEL:
(A#B) THE ONLY MANDATORY INSURANCE COSTS HOST COUNTRY NATIONALS
\$5.55 A YEAR AND PROVIDES COVERAGE ONLY IN CASE OF DEATH AMOUNTING
TO LUMP SUM PAYMENT OF \$120.63 PER PERSON KILLED. IN THE PAST, THIS
GOVERNMENT INSURANCE WAS ALSO MANDATORY FOR DIPLOMATS, BUT STARTING
THIS YEAR, IT IS NO LONGER REQUIRED. (C) NO LAW EXISTS REQUIRING
FOREIGN DIPLOMATIC VEHICLES TO BE INSURED. UNDER INDONESIAN LAW,
THE DRIVER IS LIABLE FOR ANY DAMAGES RESULTING FROM ACCIDENT RATHER
THAN THE OWNER OF THE CAR. (D) THE US MISSION REQUIRES THAT ALL
PERSONALLY -OWNED VEHICLES OF ITS STAFF CARRY THIRD-PARTY LIABILITY
INSURANCE WITH MINIMUM COVERAGE OF \$5,000 PER PERSON, \$10,000 PER
ACCIDENT. IN ADDITION, BECAUSE DRIVERS ARE LIABLE RATHER THAN THE
OWNER OF THE CAR, AND BECAUSE NO TORT-CLAIM OR WORKMENS COMPENSATION
PROCEDURES APPLY TO DRIVER SERVICES PROVIDED UNDER CONTRACT, THE
MISSION INSURED CONTRACT DRIVING SERVICES FOR THIRD-PARTY LIABILITY
AT \$12,062.73 COVERAGE. EVERY MISSION MEMBER IS REQUIRED TO
SIGN A STATEMENT THAT HE HAS READ THE REGULATION REQUIRING THIRD-
PARTY INSURANCE AND WILL COMPLY. (E) NEITHER THE US NOR INDONESIA
HAS SIGNED THE VIENNA CONVENTIONS, AND THERE IS NO CONSULAR
AGREEMENT OF ANY KIND. BASED ON RECIPROCITY, WE BELIEVE PERSONNEL
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HOLDING DIPLOMATIC TITLE WOULD BE EXEMPT FROM DIRECT LEGAL ACTION.
OTHER PERSONNEL WOULD BE SUBJECT TO SUCH ACTION ALONG WITH THEIR
INSURANCE UNWRITER, HOWEVER, NO PRECEDENT NOR TEST CASE HAS
BEEN EXPERIENCED IN RECENT YEARS. THE GOI IS LOOKING CLOSELY
AT THE MATTER OF RECIPROCITY AND ITS DIPLOMATIC IMMUNITY IS CUR-
TAILED IN WASHINGTON DC, THE SAME WILL CERTAINLY BE DONE HERE.
(F) DEFINITE ANSWER TO THIS QUESTION NOT AVAILABLE, BUT WE THINK

THE ANSWER IS NO. (H) COMMERCIAL LIABILITY INSURANCE IS AVAILABE
FROM VARIOUS COMPANIES WITH BOTH LOCAL AND FOREIGN UNDERWRITING.
THE HOST GOVERNMENT REGULATES THE OPERATIONS OF SUCH COMPANIES
BUT DOES NOT GIVE SPECIAL ASSISTANCE TO DIPLOMATIC PERSONNEL.
(I) INSURANCE PREMIUM RATES ARE INSOME CASES SOMEWHAT NEGOTIABLE,
BUT AS FAR AS WE CAN TELL, FOREIGN PERSONNEL ARE BEING CHARGED
THE SAME AS HOST COUNTRY CITIZENS. (J) NO, THE CONTRACT IS THE
SAME. (K) NO(L) NOT CLEAR. (M) THERE HAVE BEEN NO NOTORIOUS
CASES IN RECENT YEARS. INA RECENT CASE CAUSING DEATH, THE IN-
SURANCE COMPANY PROMPTLY SETTLED LEGAL LIABILITY WHICH TENDS TO
BE LOW COMPARED TO WORLDWIDE STANDARDS. (N) NO SUCH SYSTEM.
GENERALLY DIPLOMATS FROM OTHER MISSIONS HAVE SETTLED ANY CLAIMS
EITHER THROUGH INSURANCE OR DIRECTLY . THERE HAVE BEEN NO MAJOR
TESTS OF THIS SITUATION INVOLVING US PERSONNEL.
RIVES

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